

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 203

July 18, 1996, 5:41 pm
Page S-8108 Temp. Record

WELFARE REFORM RECONCILIATION/Drug Testing Welfare Recipients

SUBJECT: Personal Responsibility and Work Opportunity Act of 1996 . . . S. 1956. Ashcroft motion to waive the Budget Act for the consideration of the Ashcroft amendment No. 4901.

ACTION: MOTION REJECTED, 50-47

SYNOPSIS: As reported, S. 1956, the Personal Responsibility and Work Opportunity Act of 1996, will enact major welfare reforms. The Aid to Families with Dependent Children (AFDC) program will be replaced with a new Temporary Assistance for Needy Families (TANF) block grant to the States. The TANF block grant will be capped through 2001. Time limits will be placed on individuals receiving TANF benefits. Overall, the growth in non-Medicaid welfare spending will be slowed to 4.3 percent annually. The bill originally included major Medicaid reforms, but most of those provisions were stricken when the bill was reported. Without those Medicaid reforms, welfare spending will still be reduced by \$61.4 billion over 6 years.

The Ashcroft amendment would require States to institute random drug testing programs for welfare recipients, including recipients of TANF and food stamp benefits, and to sanction those recipients who tested positive for the use of illegal drugs.

Following debate, Senator Kennedy raised the point of order that the amendment violated section 305(b) of the Budget Act. Senator Ashcroft then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote is required to waive the Budget Act. Following the vote, the point of order was upheld and the amendment thus fell.

Those favoring the motion to waive contended:

The purpose of this bill is to make welfare a temporary assistance program instead of a career. We want people to work rather than to resign themselves to lives of permanent dependency. If they are drug addicts, they are not going to be able to get jobs. The Ashcroft amendment, therefore, would require random drug-testing of welfare recipients, and it would deny welfare to anyone who

(See other side)

| YEAS (50) | | | NAYS (47) | | | NOT VOTING (3) | |
|----------------------------|-----------|-------------------------|---------------------------|--------------------------|---------------|--------------------------|-----------------------|
| Republicans (44 or 85%) | | Democrats (6 or 13%) | Republicans (8 or 15%) | Democrats (39 or 87%) | | Republicans (1) | Democrats (2) |
| Abraham | Hatch | Breaux | Chafee | Akaka | Inouye | Hatfield- ^{2AN} | Bradley- ² |
| Ashcroft | Helms | Feinstein | Cohen | Baucus | Johnston | | Pryor- ² |
| Bennett | Hutchison | Heflin | Jeffords | Biden | Kennedy | | |
| Bond | Inhofe | Kohl | Kempthorne | Bingaman | Kerrey | | |
| Brown | Kassebaum | Lieberman | Lugar | Boxer | Kerry | | |
| Burns | Kyl | Nunn | Mack | Bryan | Lautenberg | | |
| Campbell | Lott | | Snowe | Bumpers | Leahy | | |
| Coats | McCain | | Specter | Byrd | Levin | | |
| Cochran | McConnell | | | Conrad | Mikulski | | |
| Coverdell | Murkowski | | | Daschle | Moseley-Braun | | |
| Craig | Nickles | | | Dodd | Moynihan | | |
| D'Amato | Pressler | | | Dorgan | Murray | | |
| DeWine | Roth | | | Exon | Pell | | |
| Domenici | Santorum | | | Feingold | Reid | | |
| Faircloth | Shelby | | | Ford | Robb | | |
| Frahm | Simpson | | | Glenn | Rockefeller | | |
| Frist | Smith | | | Graham | Sarbanes | | |
| Gorton | Stevens | | | Harkin | Simon | | |
| Gramm | Thomas | | | Hollings | Wellstone | | |
| Grams | Thompson | | | | Wyden | | |
| Grassley | Thurmond | | | | | | |
| Gregg | Warner | | | | | | |

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

tested positive for illegal drug use. The line should be clear and simple--if you use drugs, you do not get welfare.

Under current law, welfare benefits are given regardless of whether their recipients are drug addicts. No testing is done. Though many Americans strongly object to the fact that they are being forced to subsidize the drug habits of welfare recipients, and though thousands of children of addicts suffer from this policy of neglect, this system works. It works because the main requirement for getting welfare is to stay unemployed, which drug addicts are capable of doing.

Once we change the main requirement of welfare to being that recipients must find jobs, though, being a drug addict will be a huge problem. Sixty-two percent of firms with between 1 and 500 employees test those employees for illegal drug use, and 88 percent of firms employing more than 10,000 people also have drug testing. Drug addicts on welfare will not be able to get jobs, they will reach their lifetime limits, and they will be denied further benefits. In effect, if we do not pass the Ashcroft amendment, we will have a policy of supporting for a few years the drug habits of people who are unemployable because of their use of illegal drugs. It makes a lot more sense just to deny welfare to anyone who uses illegal drugs. There must be a very clear dividing line. Welfare recipients must understand that they are going to have to change their behavior if they are going to get jobs.

Admittedly, this amendment is an unfunded mandate on the States, but it is a mandate that we are confident that the American people support and it is a mandate that in the long-run will save the States' money. The American people do not support paying for the drug habits of welfare recipients, and the States, if they are able to stop people from abusing drugs, will benefit greatly from more being able to move them into the work force, plus they will benefit from not having to deal with the crime and other social problems that come with drug abuse. The bottom line is that giving cash to drug addicts does not help them. We need to stop this practice, so we strongly support the Ashcroft amendment.

Those opposing the motion to waive contended:

Argument 1:

The Ashcroft amendment is an unfunded mandate that would treat poor people unfairly and that would hurt children. For the past year and a half we have listened to our Republican colleagues' lecture us about how we should not place unfunded mandates on the States, yet here they are now asking us to enact a huge, new unfunded mandate. The latest information from the Department of Health and Human Services (HHS) is that it costs \$35 to conduct a drug test. There are 5 million adults on Federal welfare. If every one of them were tested, the cost of this mandate would be \$175 million. The next objection we have to this amendment is that it would discriminate against poor people. When the Federal Government gives a home loan, or an agricultural subsidy, or any other benefit, it does not subject the beneficiaries to random drug tests, and this amendment would not change this fact. It would only single out welfare recipients for this demeaning treatment. Our final objection to the Ashcroft amendment is that it would hurt children and their parents. Throwing a parent off of welfare because of a drug abuse problem would not solve the problem; it would just leave that parent, and her children, penniless. A better solution would be to use drug tests to find welfare recipients who need to be put into drug treatment programs. If drug testing is used, it should be used to find those substance abusers who need more money spent on them so they can turn themselves around. We believe that that arguments against the Ashcroft amendment are persuasive, and thus oppose the motion to waive the Budget Act for its consideration.

Argument 2:

We would vote for the Ashcroft amendment if it did not impose an unfunded mandate.